

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

Crl. Misc. M-34166 of 2016 (O&M)

Date of Decision: January 30, 2018

Gurpreet Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. K.S. Chahal, Advocate
for the petitioner.

Mr. A.S. Sandhu, Addl. AG Punjab.

Mr. Kamal Narula, Advocate
for complainant/respondent No.2.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 438 of Cr.P.C., for grant of anticipatory bail to the petitioner in the event of arrest in FIR No.19 dated 05.07.2016, under Sections 498-A, 406 of the Indian Penal Code, registered at Police Station Women Ferozepur, District Ferozepur.

By an order dated ASI Mohinder Singh, Investigating Officer, was directed to visit the house of the petitioner and find out the details of another woman allegedly staying there.

This court is informed that the matter was investigated and the statement of Sarpanch of the village was recorded, who has submitted that

the said allegations are wrong.

Learned counsel for the petitioner contends that the petitioner is falsely implicated in the present case and on the direction of this Court, has joined the investigation. It is also contended that nothing is to be recovered from him.

Learned DAG Punjab for the respondent-State, on instructions from Investigating Officer as well as counsel for the complainant, submit that though petitioner has joined the investigation, however, recoveries are yet to be made.

I have heard counsel for the parties.

Merely because recoveries of part of *Istridhan* are yet to be made, this court is not inclined to reject the petition. Denial of bail in normal circumstances cannot be used as a tool to effect recoveries. In view of the facts that the petitioner has joined the investigation, without commenting on the merits of the case, the petition is allowed and order dated 27.09.2016 granting interim bail to the petitioner is made absolute subject to the conditions laid down in Section 438 Sub Section 2 Clauses (i) (ii) and (iii) of the Code of Criminal Procedure.

January 30, 2018
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No